

# United States District Court

SOUTHERN

DISTRICT OF

NEW YORK

DB STRUCTURED PRODUCTS, INC.

SUMMONS IN A CIVIL CASE

V.

CASE NUMBER:

BAYROCK MORTGAGE CORPORATION

**07 CV 4126**

TO: (Name and address of defendant)

BAYROCK MORTGAGE CORPORATION  
11575 Great Oaks Way  
Alpharetta, Georgia 30022

**YOU ARE HEREBY SUMMONED** and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

THACHER PROFFITT & WOOD LLP  
Richard F. Hans (RH-0110)  
John P. Doherty (JD-3275)

Two World Financial Center  
New York, New York 10281  
(212) 912-7400

an answer to the complaint which is herewith served upon you, within TWENTY days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

MAY 25 2007

**J. MICHAEL McMAHON**

CLERK

DATE

(BY) DEPUTY CLERK

AO 440 (Rev. 10/93) Summons In a Civil Action -SDNY WEB 4/99

<b>RETURN OF SERVICE</b>		
Service of the Summons and Complaint was made by me <sup>1</sup>	DATE	
NAME OF SERVER (PRINT)	TITLE	
<i>Check one box below to indicate appropriate method of service</i>		
<input type="checkbox"/> Served personally upon the defendant. Place where served: _____ _____		
<input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left: _____ _____		
<input type="checkbox"/> Returned unexecuted: _____ _____ _____		
<input type="checkbox"/> Other (specify): _____ _____ _____		
<b>STATEMENT OF SERVICE FEES</b>		
TRAVEL	SERVICES	TOTAL
<b>DECLARATION OF SERVER</b>		
<p style="text-align: center;">I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <p>Executed on _____</p> <p style="text-align: center; margin-left: 100px;">Date</p> </div> <div style="width: 45%;"> <p>_____ Signature of Server</p>    <p>_____ Address of Server</p> </div> </div>		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

DB STRUCTURED PRODUCTS, INC.,

Plaintiff,

-against-

BAYROCK MORTGAGE CORPORATION

Defendant.

**ECF CASE**

07 Civ. 4126 (UA/DLC)

## AFFIDAVIT OF SERVICE

STATE OF NEW YORK )

) SS.:

COUNTY OF NEW YORK )

JONATHAN WILSON, being duly sworn, deposes and says that deponent is not a party to this action, is over eighteen years of age and resides at 657 Crotona Park North, Bronx, New York 10457.

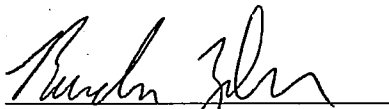
On May 30, 2007, deponent served: (i) Complaint; (ii) Summons; (iii) Explanation Of Relatedness; (iv) Disclosure Statement Pursuant To Federal Rule Of Civil Procedure 7.1; (v) Civil Cover Sheet; (vi) Individual Practices Of Judge Denise Cote; (vii) Individual Practices Of Magistrate Judge Kevin Nathaniel Fox; (viii) 3<sup>rd</sup> Amended Instructions For Filing An Electronic Case Or Appeal; (ix) Procedures For Electronic Case Filing and; (x) Guidelines For Electronic Case Filing upon Defendant Bayrock Mortgage Corporation, by personally delivering to the offices of National Registered Agents, Inc., registered agent of Bayrock Mortgage Corporation, located at 875 Avenue of the Americas, New York, New York 10001, and leaving with Ms. Gerri Mirando, Process Specialist, true and correct copies thereof.

Ms. Mirando is a Caucasian Female, about 50 years of age, 5'4" 180 lbs. and has black hair.

Ms. Mirando accepted service on behalf of Bayrock Mortgage Corporation.

  
JONATHAN E. WILSON

Sworn to before me this  
30<sup>th</sup> day of May 2007

  
Notary Public

BRENDAN ERNEST ZAHNER  
NOTARY PUBLIC, State of New York  
No. 02ZA608482  
Qualified in Nassau County  
Commission Expires March 3, 2011

BRENDAN ERNEST ZAHNER  
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